App F IX 1

Previous References
V P 13-32-9 26 36, 49
rel 32-31-275 x 288
V P 13-31 23, 26, 27

Later References
Rev 193 2. - 516 (rel)
Rev 62-34 (1-3)

File No 40-32
Serial Nos 284 31

PRESERVED

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for September 33

SUBJECT

Withdrawal from the acquisition of S. no 26 of Kovanur village, Arkalgud Taluk, previously notified as required for shifting the Mahomedan burial ground at the place

H 31 - to The Compiler M G
Govt no L 1598 dated 21/9/33
Orders the

BE
26/9/33.

Mr 40-32-28

No LAR 28—29
misc bills

OFFICE OF THE DEPUTY COMMISSIONER
HASSAN DISTRICT

Dated, Hassan, the 7th June 1933.

2

~~V.P. 13-31-6~~ 5682

From M. CHENNARAJ URS, Esq., B.A., LL.B.,
Deputy Commissioner, Hassan District.

To

H. V. RAMASVAMI, Esq., M.A., B.L.,
General Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Sir,

Adverting to Government Order No. L.2700-2/V.P.13-31-6 dated 15-10-1931, sanctioning the acquisition of 1 acre 10 guntas out of S.No. 25 in the Konanur village for shifting the Mahomedan burial ground and ordering that the cost of acquisition be met from the funds of the Municipality, I have the honour to ~~be~~ state that a copy of this Government Order was sent to the Sub Division Officer, Hassan, who was appointed as Land Acquisition Officer, for needful action and report.

The Sub Division Officer reported that he asked the President of the Konanur Municipality to place the requisite funds (R143-12-0) at his disposal, that the President in reply stated that the council have resolved to pay a sum of R 50/- towards compensation and that they are not prepared to pay more, that from the references, received from the Sub Registrar, it will be seen that the average value of similar lands sold in the village works out at R 100/- per acre, that taking this value into consideration, the cost of acquisition including the 25 years' assessment amounts to R 186-0-11, but the Municipality is not prepared to pay this sum and that the owners of lands demand still higher rate of compensation and that in these circumstances, he recommended that the acquisition may be withdrawn. Thereupon, the attention of the Municipal Council was called to their former resolution agreeing to defray the cost of acquisition and they were asked to pay up the full amount without delay. The Municipal Council again resolved that they are not agreeable to pay more than R 50/- . Thereafter the Sub Division Officer was requested to inspect the spot and give his opinion if this acquisition is really necessary and wheth[illegible] site will suit the [illegible]

The present Sub Division Officer (Mr. George Matthan) now reports after personal inspection that there are no other suitable sites available near the village, that the difficulty of the Municipal Council, in not agreeing to pay the amount of compensation, appears to be that they can't afford to spend away their resources as they are anxious to keep by all their money for the water supply scheme etc. and suggests that for the present about 20 guntas of land by the side of the present khabarstan and away from the road, be selected for the purpose and the Municipal Council asked to provide fund only to this extent, that when there is necessity some more land may be acquired for the purpose, that by this arrangement the Municipal Council need spend only a small amount at present and the present needs of the community will be met to some extent and that the Mahomedans of the village appear to be agreeable to his proposal.

In these circumstances, I agree with the opinion of the Sub Division Officer, and recommendthat the acquisition of 1 acre 10 guntas out S.No. 26, may be withdrawn and sanction accorded to the acquisition of only 20 guntas out of the same S.No.

The connected records accompany.

I have the honour to be,

Sir,

Your most obedient servant,

For Deputy Commissioner,

Hassan District.

I.S.D.2.

GENERAL SECRETARIAT 10 JULY 1933

7/7/1933

1) Get note made.

2) Section 6 notice issued on 26 [illegible] to be taken up by the Deputy Commr. who will be asked to send up the necessary proceedings.

3) The proposal be approved

4) Government agree to the acquisition of only 20 guntas out of S.No. 26 and Shanbhag the Deputy Commissioner, Hassan may withdraw the proceedings in regard to the remaining 30 guntas.

Serial No

5) Please note with reference to legal opinion previously received in similar cases

Hon 10/

6) The total extent of S no 26, referred to above is 13 acres – 10 guntas In lieu of 1 acre – 10 guntas of land, previously proposed to be acquired out of this S no, an extent of 20 guntas of land is now proposed to be acquired in a different portion of the same S no

A

7) In a similar (x) case (acquisition of land out of S no 12 of Kanadur village, Belur Taluk), the Law Section has noted as follows —

Since a final declaration statement has already issued with regard to a particular plot and that is not wanted now, an order withdrawing from the acquisition has to be passed and fresh proceedings should be started in regard to the plot selected now (in the same S no)"

8) It was also held by that Section that after a final declaration is once made under Sec 6, it can not be annulled except by withdrawing from the acquisition under Sec 48

9) In view of the above Law opinion, withdrawal from the acquisition of 1 acre – 10 Gunt originally proposed in S no 26 of Kanadur village, as has been suggested in the present case, the dept can be requested to send separate freely rates in respect of

(x) Flag A
vide file 13-32-69

NOTE—Contn Sheet

Aegnem Kunnam village

File No 40 5607/J 1932 of 1932 — General and Revenue Secretariat

the portion of the property now proposed to be acquired

10) Reference - para 4 of the notes supra

gm 13/7

With reference to A on the last page, please flag refers to show that the 20 cents of land now proposed to be acquired, do not form part of the portion already ordered to be acquired, and but relate to a different portion of the same Survey no. The sketch if any, in the records showing the position may be flagged.

dm 15/7

It is stated in the Divisional Officer's report dt 21-5-33 (X) that 20 cents of land on the side of the present Kharas tram and away from the road may be acquired for the present for the Kharas tram. The statement made in A in the last page was on the basis of the S.D.O's recommendation, referred to above. It is not however quite certain whether the 20 cents of land now proposed to be acquired relate to a different portion of the same S no or whether it forms part of the portion already ordered to be acquired. only the same S no The sketch flagged X, found in the records does not also give any definite idea about the position of the area, now proposed to be acquired

(X) Flag 6.

gm 28/7/33

The portions marked in red pencil in the S.D.O's report seem to indicate that the 20 cents of land now proposed

Serial No

39

Law

the acquired form part of the area already ordered to be acquired

Yor favor of opinion on the points raised by the Govt Secy in para 4 Supra.

Asst Secy, Law Dept with Comps) 27/7

The final declaration made is to acquire 1 acre and 10 guntas of S.No. 26 Even if the 20 guntas now proposed for acquisition forms part of the 1 acre and 10 guntas declared, it is necessary to withdraw from the acqn already declared & then proceed to acquire the 20 guntas required. This is because Sec 48 does not contemplate withdrawal with respect to only a portion of the property declared for acquisition, where that portion does not forms a parcel by itself. This is the view held in Mc File 32 of 1931 (SC 275 & 288) placed below

Asst Secy Govt with Comps } 22/8/33

The draft Notification in the file for addl Govt Secy) 12/8

GENERAL SECRETARIAT 14 AUG 1933 No

PRINTING SECTION 26 AUG 1933 NOTE—Contn Sheet

31

WD 70—GBPM—60 000—11-8 31

Appendix F G—1]

SUBJECT

Section [illegible]

File No 40-32

Serial No 31

Diary No of letter replied to

General and Revenue Secretariat

( )

the *193*

Date of issue 2/9/33

Signed by Mr. A. Subba Rao

Sd/-

List of enclosures

Copied by

Examined by

No. [illegible] No. L 15-98

~~To~~

Under Rule 48 (1) of the rules L.A. Rules, 1894, as amended from time to time, Govt are pleased to withdraw from the acquisition of 1 acre - 10 guntas of land out of S.No. 26 of Kanamur village, Alwalpet Taluk, notified in Govt note no 1 2703 dy 13-10-31 (dy 13-10-31, Muhammedpet) as required for shifting the burial ground at Kanamur.

By order

48 [illegible]

L 1599/sues

Sd/- Sinclair 10/7

Asstt Sec 10/7

To the Commissioner for Endowments City & Dist, Hussain Ali Khan referred to his letter no. L.A.I.-1 dy 7-6-32 with the request that timely notice may be sent to enclosure re to acquisition

the person who is properly to be acquired the needs accompany

By order

Sd/- [illegible] 10/7

Asstt Sec 10/7

WD 0253—GPB—15 000—26-8-32

extra copy

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE,

General and Revenue Secretariat,

No L. 1595/Rel 40-32-31 *Dated, Bangalore,* 2nd September 1933

9

NOTIFICATION

Under section 48 (1) of the Land Acquisition Regulation, 1894, as amended from time to time, Government are pleased to withdraw from the acquisition of 1 acre and 10 guntas of land out of Survey No. 26 of Konamur Village, Arkalgud Taluk, notified in Government notification No. L. 2703 dated the 13th October 1931, as required for shifting the Mahomedan Burial Ground at Konamur.

By order,

Asubba Rao

for General Secretary to Government.

To

The Compiler, Mysore Gazette, for publication.